



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,771	03/11/2005	Edwin Claerebout	1-2002.015 US	5406
31846	7590	12/29/2005	EXAMINER	
INTERVET INC. PATENT DEPARTMENT PO BOX 318 MILLSBORO, DE 19966-0318			GANGLE, BRIAN J	
			ART UNIT	PAPER NUMBER
			1645	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Election/Restrictions*

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 30-33, 37-39, 43, drawn to nucleic acids, host cells and vaccines.

Group II, claim(s) 34-36, 40, 44, drawn to a proteins and vaccines.

Group III, claim(s) 41-42, drawn to protein vaccines with an added antigen.

Group IV, claim(s) 45, drawn to a method of prevention or treatment using a protein.

Group V, claim(s) 46-48, drawn to a method of prevention or treatment using nucleic acids.

Group VI, claim(s) 49, drawn to a method of prevention or treatment using a protein vaccine with an added antigen.

The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Pursuant to 37 CFR 1.475(d), the ISA/US considers that where multiple products and processes are claimed, the main invention shall consist of the first invention of the category first mentioned in the claims and the first recited invention of each of the other categories related thereto. Accordingly, the main invention (Group I) comprises the first recited **composition**, nucleic acids, host cells, and vaccines. Further pursuant to 37 CFR 1.475(d), the ISA/US considers that any feature which the subsequently recited products and methods share with the main invention does not constitute a special technical feature within the meaning of PCT rule 13.2 and that each of such products and methods accordingly defines a separate invention.

Art Unit: 1645

The special technical feature of Group I is the nucleotide sequence of a nucleic acid encoding a given protein from *Ostertagia ostertagi*.

The special technical feature of Group II is the specific amino acid sequence of a given protein and the biochemical and immunological properties of said protein.

The special technical feature of Group III is the specific combination of a protein from *Ostertagia ostertagi* and an additional antigen.

The special technical feature of each of Groups IV-VI is the specific active steps and reagents used in each method.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gangle whose telephone number is (571) 272-1181. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (571) 272-0864. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B6

Brian Gangle  
12/23/2005

  
ROBERT A. ZEMAN  
PATENT EXAMINER